IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 5724 of 2006 (O&M)

Date of decision : 14.11.2006.

Ms. Manju

.....Petitioner.

Versus

Ms. Harkeet Kaur

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Ms. G.K. Hundal,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The petitioner has challenged the order dated 14.9.2006 passed by the learned Rent Controller, Chandigarh assessing the provisional rent to be paid by the tenant to the landlord.

The petitioner has challenged the said order primarily on the ground that there is no relationship of landlord and tenant and, therefore, question of payment of rent assessed does not arise. The reading of the order shows that the eviction petition had been filed on the ground of non-payment of rent and, therefore, the learned Rent Controller was right in assessing the provisional rent by holding that prima facie there exists relationship of landlord and tenant.

It is made clear that as the petitioner herein has challenged the relationship of landlord and tenant it would be incumbent upon the Rent Controller to decide this issue before taking final decision on the eviction petition, however, the petitioner would not be entitled to assessment of rent

after the decision on the issue regarding the relationship of landlord and tenant between the parties. In case, it is held that there exists relationship of landlord and tenant between the parties, the order of eviction would follow on account of non-payment of rent provisionally assessed.

With this observation this revision petition is dismissed.

14.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**